
SECOND SUBSTITUTE HOUSE BILL 2507

State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Lovick, Ballasiotes, O'Brien, Ahern, Kirby, Jackley, Kessler, Schmidt, McIntire, Conway, Santos, Ruderman, Van Luven, Edwards, Hurst, Fromhold, Upthegrove, Kenney, Eickmeyer, Miloscia, Simpson, Grant, Chase, Dunshee, Cody, Morris, Wood, Campbell, Voloria, Rockefeller, Darneille, McDermott, Schual-Berke and Berkey)

Read first time 02/07/2002. Referred to Committee on .

1 AN ACT Relating to motor vehicle theft; amending RCW 9A.56.070,
2 9.94A.525, and 13.40.0357; reenacting and amending RCW 9.94A.515;
3 adding a new section to chapter 46.20 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 9A.56.070 and 1975 1st ex.s. c 260 s 9A.56.070 are
6 each amended to read as follows:

7 (1) (~~Every person who shall~~) (a) A person is guilty of taking a
8 motor vehicle without permission in the first degree if he or she,
9 without the permission of the owner or person entitled to possession,
10 intentionally takes or drives away an automobile or motor vehicle,
11 whether propelled by steam, electricity, or internal combustion engine,
12 that is the property of another, and he or she:

13 (i) Alters the motor vehicle for the purpose of changing its
14 appearance or primary identification, including obscuring, removing, or
15 changing the manufacturer's serial number or the vehicle identification
16 number plates;

17 (ii) Removes, or participates in the removal of, parts from the
18 motor vehicle with the intent to sell the parts;

1 (iii) Exports, or attempts to export, the motor vehicle across
2 state lines or out of the United States for profit;

3 (iv) Intends to sell the motor vehicle; or

4 (v) Is engaged in a conspiracy and the central object of the
5 conspiratorial agreement is the theft of motor vehicles for sale to
6 others for profit.

7 (b) Taking a motor vehicle without permission in the first degree
8 is a class B felony.

9 (2)(a) A person is guilty of taking a motor vehicle without
10 permission in the second degree if he or she, without the permission
11 of the owner or person entitled to ((the)) possession ((thereof)),
12 intentionally takes or drives away any automobile or motor vehicle,
13 whether propelled by steam, electricity, or internal combustion engine,
14 that is the property of another, ((shall be deemed guilty of a felony,
15 and every person)) or he or she voluntarily ((riding)) rides in or upon
16 ((said)) the automobile or motor vehicle with knowledge of the fact
17 that the ((same)) automobile or motor vehicle was unlawfully taken
18 ((shall be equally guilty with the person taking or driving said
19 automobile or motor vehicle and shall be deemed guilty of taking a
20 motor vehicle without permission)).

21 ((+2)) (b) Taking a motor vehicle without permission in the second
22 degree is a class C felony.

23 (3) A person convicted or adjudicated of taking a motor vehicle
24 without permission in the first degree or taking a motor vehicle
25 without permission in the second degree under this section shall also
26 have driving privileges revoked in accordance with section 5 of this
27 act. Upon conviction, the court shall immediately transmit conviction
28 data to the department of licensing necessary for the administration of
29 section 5 of this act.

30 **Sec. 2.** RCW 9.94A.515 and 2001 2nd sp.s. c 12 s 361, 2001 c 300 s
31 4, 2001 c 217 s 12, and 2001 c 17 s 1 are each reenacted and amended to
32 read as follows:

33 TABLE 2

34 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

35 XVI Aggravated Murder 1 (RCW 10.95.020)

36 XV Homicide by abuse (RCW 9A.32.055)

1 Malicious explosion 1 (RCW 70.74.280(1))
 2 Murder 1 (RCW 9A.32.030)
 3 XIV Murder 2 (RCW 9A.32.050)
 4 XIII Malicious explosion 2 (RCW 70.74.280(2))
 5 Malicious placement of an explosive 1 (RCW
 6 70.74.270(1))
 7 XII Assault 1 (RCW 9A.36.011)
 8 Assault of a Child 1 (RCW 9A.36.120)
 9 Malicious placement of an imitation device
 10 1 (RCW 70.74.272(1)(a))
 11 Rape 1 (RCW 9A.44.040)
 12 Rape of a Child 1 (RCW 9A.44.073)
 13 XI Manslaughter 1 (RCW 9A.32.060)
 14 Rape 2 (RCW 9A.44.050)
 15 Rape of a Child 2 (RCW 9A.44.076)
 16 X Child Molestation 1 (RCW 9A.44.083)
 17 Indecent Liberties (with forcible
 18 compulsion) (RCW 9A.44.100(1)(a))
 19 Kidnapping 1 (RCW 9A.40.020)
 20 Leading Organized Crime (RCW
 21 9A.82.060(1)(a))
 22 Malicious explosion 3 (RCW 70.74.280(3))
 23 Manufacture of methamphetamine (RCW
 24 69.50.401(a)(1)(ii))
 25 Over 18 and deliver heroin,
 26 methamphetamine, a narcotic from
 27 Schedule I or II, or flunitrazepam
 28 from Schedule IV to someone under 18
 29 (RCW 69.50.406)
 30 Sexually Violent Predator Escape (RCW
 31 9A.76.115)
 32 IX Assault of a Child 2 (RCW 9A.36.130)
 33 Controlled Substance Homicide (RCW
 34 69.50.415)
 35 Explosive devices prohibited (RCW
 36 70.74.180)

1 Hit and Run--Death (RCW 46.52.020(4)(a))
2 Homicide by Watercraft, by being under the
3 influence of intoxicating liquor or
4 any drug (RCW 79A.60.050)
5 Inciting Criminal Profiteering (RCW
6 9A.82.060(1)(b))
7 Malicious placement of an explosive 2 (RCW
8 70.74.270(2))
9 Over 18 and deliver narcotic from Schedule
10 III, IV, or V or a nonnarcotic, except
11 flunitrazepam or methamphetamine, from
12 Schedule I-V to someone under 18 and 3
13 years junior (RCW 69.50.406)
14 Robbery 1 (RCW 9A.56.200)
15 Sexual Exploitation (RCW 9.68A.040)
16 Vehicular Homicide, by being under the
17 influence of intoxicating liquor or
18 any drug (RCW 46.61.520)

19 VIII Arson 1 (RCW 9A.48.020)
20 Deliver or possess with intent to deliver
21 m e t h a m p h e t a m i n e (R C W
22 69.50.401(a)(1)(ii))
23 Homicide by Watercraft, by the operation of
24 any vessel in a reckless manner (RCW
25 79A.60.050)
26 Manslaughter 2 (RCW 9A.32.070)
27 Manufacture, deliver, or possess with
28 intent to deliver amphetamine (RCW
29 69.50.401(a)(1)(ii))
30 Manufacture, deliver, or possess with
31 intent to deliver heroin or cocaine
32 (RCW 69.50.401(a)(1)(i))
33 Possession of Ephedrine, Pseudoephedrine,
34 or Anhydrous Ammonia with intent to
35 manufacture methamphetamine (RCW
36 69.50.440)
37 Promoting Prostitution 1 (RCW 9A.88.070)

1 Selling for profit (controlled or
2 counterfeit) any controlled substance
3 (RCW 69.50.410)
4 Theft of Anhydrous Ammonia (RCW 69.55.010)
5 Vehicular Homicide, by the operation of any
6 vehicle in a reckless manner (RCW
7 46.61.520)

8 VII Burglary 1 (RCW 9A.52.020)
9 Child Molestation 2 (RCW 9A.44.086)
10 Dealing in depictions of minor engaged in
11 sexually explicit conduct (RCW
12 9.68A.050)
13 Drive-by Shooting (RCW 9A.36.045)
14 Homicide by Watercraft, by disregard for
15 the safety of others (RCW 79A.60.050)
16 Indecent Liberties (without forcible
17 compulsion) (RCW 9A.44.100(1) (b) and
18 (c))
19 Introducing Contraband 1 (RCW 9A.76.140)
20 Involving a minor in drug dealing (RCW
21 69.50.401(f))
22 Malicious placement of an explosive 3 (RCW
23 70.74.270(3))
24 Sending, bringing into state depictions of
25 minor engaged in sexually explicit
26 conduct (RCW 9.68A.060)
27 Unlawful Possession of a Firearm in the
28 first degree (RCW 9.41.040(1)(a))
29 Use of a Machine Gun in Commission of a
30 Felony (RCW 9.41.225)
31 Vehicular Homicide, by disregard for the
32 safety of others (RCW 46.61.520)

33 VI Bail Jumping with Murder 1 (RCW
34 9A.76.170(3)(a))
35 Bribery (RCW 9A.68.010)
36 Incest 1 (RCW 9A.64.020(1))
37 Intimidating a Judge (RCW 9A.72.160)

1 Intimidating a Juror/Witness (RCW
2 9A.72.110, 9A.72.130)
3 Malicious placement of an imitation device
4 2 (RCW 70.74.272(1)(b))
5 Manufacture, deliver, or possess with
6 intent to deliver narcotics from
7 Schedule I or II (except heroin or
8 cocaine) or flunitrazepam from
9 Schedule IV (RCW 69.50.401(a)(1)(i))
10 Rape of a Child 3 (RCW 9A.44.079)
11 Theft of a Firearm (RCW 9A.56.300)
12 Unlawful Storage of Anhydrous Ammonia (RCW
13 69.55.020)

14 V Abandonment of dependent person 1 (RCW
15 9A.42.060)
16 Advancing money or property for
17 extortionate extension of credit (RCW
18 9A.82.030)
19 Bail Jumping with class A Felony (RCW
20 9A.76.170(3)(b))
21 Child Molestation 3 (RCW 9A.44.089)
22 Criminal Mistreatment 1 (RCW 9A.42.020)
23 Custodial Sexual Misconduct 1 (RCW
24 9A.44.160)
25 Delivery of imitation controlled substance
26 by person eighteen or over to person
27 under eighteen (RCW 69.52.030(2))
28 Domestic Violence Court Order Violation
29 (RCW 10.99.040, 10.99.050, 26.09.300,
30 26.10.220, 26.26.138, 26.50.110,
31 26.52.070, or 74.34.145)
32 Extortion 1 (RCW 9A.56.120)
33 Extortionate Extension of Credit (RCW
34 9A.82.020)
35 Extortionate Means to Collect Extensions of
36 Credit (RCW 9A.82.040)
37 Incest 2 (RCW 9A.64.020(2))
38 Kidnapping 2 (RCW 9A.40.030)
39 Perjury 1 (RCW 9A.72.020)

1 Persistent prison misbehavior (RCW
2 9.94.070)
3 Possession of a Stolen Firearm (RCW
4 9A.56.310)
5 Rape 3 (RCW 9A.44.060)
6 Rendering Criminal Assistance 1 (RCW
7 9A.76.070)
8 Sexual Misconduct with a Minor 1 (RCW
9 9A.44.093)
10 Sexually Violating Human Remains (RCW
11 9A.44.105)
12 Stalking (RCW 9A.46.110)
13 IV Arson 2 (RCW 9A.48.030)
14 Assault 2 (RCW 9A.36.021)
15 Assault by Watercraft (RCW 79A.60.060)
16 Bribing a Witness/Bribe Received by Witness
17 (RCW 9A.72.090, 9A.72.100)
18 Commercial Bribery (RCW 9A.68.060)
19 Counterfeiting (RCW 9.16.035(4))
20 Escape 1 (RCW 9A.76.110)
21 Hit and Run--Injury (RCW 46.52.020(4)(b))
22 Hit and Run with Vessel--Injury Accident
23 (RCW 79A.60.200(3))
24 Identity Theft 1 (RCW 9.35.020(2)(a))
25 Indecent Exposure to Person Under Age
26 Fourteen (subsequent sex offense) (RCW
27 9A.88.010)
28 Influencing Outcome of Sporting Event (RCW
29 9A.82.070)
30 Knowingly Trafficking in Stolen Property
31 (RCW 9A.82.050(2))
32 Malicious Harassment (RCW 9A.36.080)
33 Manufacture, deliver, or possess with
34 intent to deliver narcotics from
35 Schedule III, IV, or V or nonnarcotics
36 from Schedule I-V (except marijuana,
37 amphetamine, methamphetamines, or
38 flunitrazepam) (RCW 69.50.401(a)(1)
39 (iii) through (v))

1 Residential Burglary (RCW 9A.52.025)
2 Robbery 2 (RCW 9A.56.210)
3 Taking Motor Vehicle Without Permission 1
4 (RCW 9A.56.070(1))
5 Theft of Livestock 1 (RCW 9A.56.080)
6 Threats to Bomb (RCW 9.61.160)
7 Use of Proceeds of Criminal Profiteering
8 (RCW 9A.82.080 (1) and (2))
9 Vehicular Assault, by being under the
10 influence of intoxicating liquor or
11 any drug, or by the operation or
12 driving of a vehicle in a reckless
13 manner (RCW 46.61.522)
14 Willful Failure to Return from Furlough
15 (RCW 72.66.060)

16 III Abandonment of dependent person 2 (RCW
17 9A.42.070)
18 Assault 3 (RCW 9A.36.031)
19 Assault of a Child 3 (RCW 9A.36.140)
20 Bail Jumping with class B or C Felony (RCW
21 9A.76.170(3)(c))
22 Burglary 2 (RCW 9A.52.030)
23 Communication with a Minor for Immoral
24 Purposes (RCW 9.68A.090)
25 Criminal Gang Intimidation (RCW 9A.46.120)
26 Criminal Mistreatment 2 (RCW 9A.42.030)
27 Custodial Assault (RCW 9A.36.100)
28 Delivery of a material in lieu of a
29 controlled substance (RCW
30 69.50.401(c))
31 Escape 2 (RCW 9A.76.120)
32 Extortion 2 (RCW 9A.56.130)
33 Harassment (RCW 9A.46.020)
34 Intimidating a Public Servant (RCW
35 9A.76.180)
36 Introducing Contraband 2 (RCW 9A.76.150)
37 Maintaining a Dwelling or Place for
38 Controlled Substances (RCW
39 69.50.402(a)(6))

1 Malicious Injury to Railroad Property (RCW
2 81.60.070)
3 Manufacture, deliver, or possess with
4 intent to deliver marijuana (RCW
5 69.50.401(a)(1)(iii))
6 Manufacture, distribute, or possess with
7 intent to distribute an imitation
8 controlled substance (RCW
9 69.52.030(1))
10 Patronizing a Juvenile Prostitute (RCW
11 9.68A.100)
12 Perjury 2 (RCW 9A.72.030)
13 Possession of Incendiary Device (RCW
14 9.40.120)
15 Possession of Machine Gun or Short-Barreled
16 Shotgun or Rifle (RCW 9.41.190)
17 Promoting Prostitution 2 (RCW 9A.88.080)
18 Recklessly Trafficking in Stolen Property
19 (RCW 9A.82.050(1))
20 Securities Act violation (RCW 21.20.400)
21 Tampering with a Witness (RCW 9A.72.120)
22 Telephone Harassment (subsequent conviction
23 or threat of death) (RCW 9.61.230)
24 Theft of Livestock 2 (RCW 9A.56.080)
25 Unlawful Imprisonment (RCW 9A.40.040)
26 Unlawful possession of firearm in the
27 second degree (RCW 9.41.040(1)(b))
28 Unlawful Use of Building for Drug Purposes
29 (RCW 69.53.010)
30 Vehicular Assault, by the operation or
31 driving of a vehicle with disregard
32 for the safety of others (RCW
33 46.61.522)
34 Willful Failure to Return from Work Release
35 (RCW 72.65.070)
36 II Computer Trespass 1 (RCW 9A.52.110)
37 Counterfeiting (RCW 9.16.035(3))

1 Create, deliver, or possess a counterfeit
2 controlled substance (RCW
3 69.50.401(b))
4 Escape from Community Custody (RCW
5 72.09.310)
6 Health Care False Claims (RCW 48.80.030)
7 Identity Theft 2 (RCW 9.35.020(2)(b))
8 Improperly Obtaining Financial Information
9 (RCW 9.35.010)
10 Malicious Mischief 1 (RCW 9A.48.070)
11 Possession of controlled substance that is
12 either heroin or narcotics from
13 Schedule I or II or flunitrazepam from
14 Schedule IV (RCW 69.50.401(d))
15 Possession of phencyclidine (PCP) (RCW
16 69.50.401(d))
17 Possession of Stolen Property 1 (RCW
18 9A.56.150)
19 Taking Motor Vehicle Without Permission 2
20 (RCW 9A.56.070(2))
21 Theft 1 (RCW 9A.56.030)
22 Theft of Rental, Leased, or Lease-purchased
23 Property (valued at one thousand five
24 hundred dollars or more) (RCW
25 9A.56.096(4))
26 Trafficking in Insurance Claims (RCW
27 48.30A.015)
28 Unlawful Practice of Law (RCW 2.48.180)
29 Unlicensed Practice of a Profession or
30 Business (RCW 18.130.190(7))
31 I Attempting to Elude a Pursuing Police
32 Vehicle (RCW 46.61.024)
33 False Verification for Welfare (RCW
34 74.08.055)
35 Forged Prescription (RCW 69.41.020)
36 Forged Prescription for a Controlled
37 Substance (RCW 69.50.403)
38 Forgery (RCW 9A.60.020)
39 Malicious Mischief 2 (RCW 9A.48.080)

1 Possess Controlled Substance that is a
2 Narcotic from Schedule III, IV, or V
3 or Non-narcotic from Schedule I-V
4 (except phencyclidine or
5 flunitrazepam) (RCW 69.50.401(d))
6 Possession of Stolen Property 2 (RCW
7 9A.56.160)
8 Reckless Burning 1 (RCW 9A.48.040)
9 ((~~Taking Motor Vehicle Without Permission~~
10 ~~(RCW 9A.56.070)~~))
11 Theft 2 (RCW 9A.56.040)
12 Theft of Rental, Leased, or Lease-purchased
13 Property (valued at two hundred fifty
14 dollars or more but less than one
15 thousand five hundred dollars) (RCW
16 9A.56.096(4))
17 Unlawful Issuance of Checks or Drafts (RCW
18 9A.56.060)
19 Unlawful Use of Food Stamps (RCW 9.91.140
20 (2) and (3))
21 Vehicle Prowl 1 (RCW 9A.52.095)

22 **Sec. 3.** RCW 9.94A.525 and 2001 c 264 s 5 are each amended to read
23 as follows:

24 The offender score is measured on the horizontal axis of the
25 sentencing grid. The offender score rules are as follows:

26 The offender score is the sum of points accrued under this section
27 rounded down to the nearest whole number.

28 (1) A prior conviction is a conviction which exists before the date
29 of sentencing for the offense for which the offender score is being
30 computed. Convictions entered or sentenced on the same date as the
31 conviction for which the offender score is being computed shall be
32 deemed "other current offenses" within the meaning of RCW 9.94A.589.

33 (2) Class A and sex prior felony convictions shall always be
34 included in the offender score. Class B prior felony convictions other
35 than sex offenses shall not be included in the offender score, if since
36 the last date of release from confinement (including full-time
37 residential treatment) pursuant to a felony conviction, if any, or
38 entry of judgment and sentence, the offender had spent ten consecutive

1 years in the community without committing any crime that subsequently
2 results in a conviction. Class C prior felony convictions other than
3 sex offenses shall not be included in the offender score if, since the
4 last date of release from confinement (including full-time residential
5 treatment) pursuant to a felony conviction, if any, or entry of
6 judgment and sentence, the offender had spent five consecutive years in
7 the community without committing any crime that subsequently results in
8 a conviction. Serious traffic convictions shall not be included in the
9 offender score if, since the last date of release from confinement
10 (including full-time residential treatment) pursuant to a felony
11 conviction, if any, or entry of judgment and sentence, the offender
12 spent five years in the community without committing any crime that
13 subsequently results in a conviction. This subsection applies to both
14 adult and juvenile prior convictions.

15 (3) Out-of-state convictions for offenses shall be classified
16 according to the comparable offense definitions and sentences provided
17 by Washington law. Federal convictions for offenses shall be
18 classified according to the comparable offense definitions and
19 sentences provided by Washington law. If there is no clearly
20 comparable offense under Washington law or the offense is one that is
21 usually considered subject to exclusive federal jurisdiction, the
22 offense shall be scored as a class C felony equivalent if it was a
23 felony under the relevant federal statute.

24 (4) Score prior convictions for felony anticipatory offenses
25 (attempts, criminal solicitations, and criminal conspiracies) the same
26 as if they were convictions for completed offenses.

27 (5)(a) In the case of multiple prior convictions, for the purpose
28 of computing the offender score, count all convictions separately,
29 except:

30 (i) Prior offenses which were found, under RCW 9.94A.589(1)(a), to
31 encompass the same criminal conduct, shall be counted as one offense,
32 the offense that yields the highest offender score. The current
33 sentencing court shall determine with respect to other prior adult
34 offenses for which sentences were served concurrently or prior juvenile
35 offenses for which sentences were served consecutively, whether those
36 offenses shall be counted as one offense or as separate offenses using
37 the "same criminal conduct" analysis found in RCW 9.94A.589(1)(a), and
38 if the court finds that they shall be counted as one offense, then the
39 offense that yields the highest offender score shall be used. The

1 current sentencing court may presume that such other prior offenses
2 were not the same criminal conduct from sentences imposed on separate
3 dates, or in separate counties or jurisdictions, or in separate
4 complaints, indictments, or informations;

5 (ii) In the case of multiple prior convictions for offenses
6 committed before July 1, 1986, for the purpose of computing the
7 offender score, count all adult convictions served concurrently as one
8 offense, and count all juvenile convictions entered on the same date as
9 one offense. Use the conviction for the offense that yields the
10 highest offender score.

11 (b) As used in this subsection (5), "served concurrently" means
12 that: (i) The latter sentence was imposed with specific reference to
13 the former; (ii) the concurrent relationship of the sentences was
14 judicially imposed; and (iii) the concurrent timing of the sentences
15 was not the result of a probation or parole revocation on the former
16 offense.

17 (6) If the present conviction is one of the anticipatory offenses
18 of criminal attempt, solicitation, or conspiracy, count each prior
19 conviction as if the present conviction were for a completed offense.
20 When these convictions are used as criminal history, score them the
21 same as a completed crime.

22 (7) If the present conviction is for a nonviolent offense and not
23 covered by subsection (11) or (12) of this section, count one point for
24 each adult prior felony conviction and one point for each juvenile
25 prior violent felony conviction and 1/2 point for each juvenile prior
26 nonviolent felony conviction.

27 (8) If the present conviction is for a violent offense and not
28 covered in subsection (9), (10), (11), or (12) of this section, count
29 two points for each prior adult and juvenile violent felony conviction,
30 one point for each prior adult nonviolent felony conviction, and 1/2
31 point for each prior juvenile nonviolent felony conviction.

32 (9) If the present conviction is for a serious violent offense,
33 count three points for prior adult and juvenile convictions for crimes
34 in this category, two points for each prior adult and juvenile violent
35 conviction (not already counted), one point for each prior adult
36 nonviolent felony conviction, and 1/2 point for each prior juvenile
37 nonviolent felony conviction.

38 (10) If the present conviction is for Burglary 1, count prior
39 convictions as in subsection (8) of this section; however count two

1 points for each prior adult Burglary 2 or residential burglary
2 conviction, and one point for each prior juvenile Burglary 2 or
3 residential burglary conviction.

4 (11) If the present conviction is for a felony traffic offense
5 count two points for each adult or juvenile prior conviction for
6 Vehicular Homicide or Vehicular Assault; for each felony offense count
7 one point for each adult and 1/2 point for each juvenile prior
8 conviction; for each serious traffic offense, other than those used for
9 an enhancement pursuant to RCW 46.61.520(2), count one point for each
10 adult and 1/2 point for each juvenile prior conviction.

11 (12) If the present conviction is for a drug offense count three
12 points for each adult prior felony drug offense conviction and two
13 points for each juvenile drug offense. All other adult and juvenile
14 felonies are scored as in subsection (8) of this section if the current
15 drug offense is violent, or as in subsection (7) of this section if the
16 current drug offense is nonviolent.

17 (13) If the present conviction is for Escape from Community
18 Custody, RCW 72.09.310, count only prior escape convictions in the
19 offender score. Count adult prior escape convictions as one point and
20 juvenile prior escape convictions as 1/2 point.

21 (14) If the present conviction is for Escape 1, RCW 9A.76.110, or
22 Escape 2, RCW 9A.76.120, count adult prior convictions as one point and
23 juvenile prior convictions as 1/2 point.

24 (15) If the present conviction is for Burglary 2 or residential
25 burglary, count priors as in subsection (7) of this section; however,
26 count two points for each adult and juvenile prior Burglary 1
27 conviction, two points for each adult prior Burglary 2 or residential
28 burglary conviction, and one point for each juvenile prior Burglary 2
29 or residential burglary conviction.

30 (16) If the present conviction is for a sex offense, count priors
31 as in subsections (7) through (15) of this section; however count three
32 points for each adult and juvenile prior sex offense conviction.

33 (17) If the present conviction is for taking a motor vehicle
34 without permission in the first or second degree, count two points for
35 each prior adult and juvenile taking a motor vehicle without permission
36 in the first degree offense.

37 (18) If the present conviction is for an offense committed while
38 the offender was under community placement, add one point.

1	B	Residential Burglary	
2		(9A.52.025)	C
3	B	Burglary 2 (9A.52.030)	C
4	D	Burglary Tools (Possession of)	
5		(9A.52.060)	E
6	D	Criminal Trespass 1 (9A.52.070)	E
7	E	Criminal Trespass 2 (9A.52.080)	E
8	C	Vehicle Prowling 1 (9A.52.095)	D
9	D	Vehicle Prowling 2 (9A.52.100)	E
10		Drugs	
11	E	Possession/Consumption of Alcohol	
12		(66.44.270)	E
13	C	Illegally Obtaining Legend Drug	
14		(69.41.020)	D
15	C+	Sale, Delivery, Possession of Legend	
16		Drug with Intent to Sell	
17		(69.41.030)	D+
18	E	Possession of Legend Drug	
19		(69.41.030)	E
20	B+	Violation of Uniform Controlled	
21		Substances Act - Narcotic,	
22		Methamphetamine, or Flunitrazepam	
23		Sale (69.50.401(a)(1) (i) or (ii))	B+
24	C	Violation of Uniform Controlled	
25		Substances Act - Nonnarcotic Sale	
26		(69.50.401(a)(1)(iii))	C
27	E	Possession of Marihuana <40 grams	
28		(69.50.401(e))	E
29	C	Fraudulently Obtaining Controlled	
30		Substance (69.50.403)	C
31	C+	Sale of Controlled Substance	
32		for Profit (69.50.410)	C+
33	E	Unlawful Inhalation (9.47A.020)	E
34	B	Violation of Uniform Controlled	
35		Substances Act - Narcotic,	
36		Methamphetamine, or Flunitrazepam	
37		Counterfeit Substances	
38		(69.50.401(b)(1) (i) or (ii))	B

1	C	Violation of Uniform Controlled	
2		Substances Act - Nonnarcotic	
3		Counterfeit Substances	
4		(69.50.401(b)(1) (iii), (iv), (v))	C
5	C	Violation of Uniform Controlled	
6		Substances Act - Possession of a	
7		Controlled Substance	
8		(69.50.401(d))	C
9	C	Violation of Uniform Controlled	
10		Substances Act - Possession of a	
11		Controlled Substance	
12		(69.50.401(c))	C
13		Firearms and Weapons	
14	B	Theft of Firearm (9A.56.300)	C
15	B	Possession of Stolen Firearm	
16		(9A.56.310)	C
17	E	Carrying Loaded Pistol Without	
18		Permit (9.41.050)	E
19	C	Possession of Firearms by Minor (<18)	
20		(9.41.040(1)(b)(iii))	C
21	D+	Possession of Dangerous Weapon	
22		(9.41.250)	E
23	D	Intimidating Another Person by use	
24		of Weapon (9.41.270)	E
25		Homicide	
26	A+	Murder 1 (9A.32.030)	A
27	A+	Murder 2 (9A.32.050)	B+
28	B+	Manslaughter 1 (9A.32.060)	C+
29	C+	Manslaughter 2 (9A.32.070)	D+
30	B+	Vehicular Homicide (46.61.520)	C+
31		Kidnapping	
32	A	Kidnap 1 (9A.40.020)	B+
33	B+	Kidnap 2 (9A.40.030)	C+
34	C+	Unlawful Imprisonment	
35		(9A.40.040)	D+

1		Obstructing Governmental Operation	
2	D	Obstructing a Law Enforcement	
3		Officer (9A.76.020)	E
4	E	Resisting Arrest (9A.76.040)	E
5	B	Introducing Contraband 1	
6		(9A.76.140)	C
7	C	Introducing Contraband 2	
8		(9A.76.150)	D
9	E	Introducing Contraband 3	
10		(9A.76.160)	E
11	B+	Intimidating a Public Servant	
12		(9A.76.180)	C+
13	B+	Intimidating a Witness	
14		(9A.72.110)	C+
15		Public Disturbance	
16	C+	Riot with Weapon (9A.84.010)	D+
17	D+	Riot Without Weapon	
18		(9A.84.010)	E
19	E	Failure to Disperse (9A.84.020)	E
20	E	Disorderly Conduct (9A.84.030)	E
21		Sex Crimes	
22	A	Rape 1 (9A.44.040)	B+
23	A-	Rape 2 (9A.44.050)	B+
24	C+	Rape 3 (9A.44.060)	D+
25	A-	Rape of a Child 1 (9A.44.073)	B+
26	B+	Rape of a Child 2 (9A.44.076)	C+
27	B	Incest 1 (9A.64.020(1))	C
28	C	Incest 2 (9A.64.020(2))	D
29	D+	Indecent Exposure	
30		(Victim <14) (9A.88.010)	E
31	E	Indecent Exposure	
32		(Victim 14 or over) (9A.88.010)	E
33	B+	Promoting Prostitution 1	
34		(9A.88.070)	C+
35	C+	Promoting Prostitution 2	
36		(9A.88.080)	D+
37	E	O & A (Prostitution) (9A.88.030)	E
38	B+	Indecent Liberties (9A.44.100)	C+

1	A-	Child Molestation 1 (9A.44.083)	B+
2	B	Child Molestation 2 (9A.44.086)	C+
3		Theft, Robbery, Extortion, and Forgery	
4	B	Theft 1 (9A.56.030)	C
5	C	Theft 2 (9A.56.040)	D
6	D	Theft 3 (9A.56.050)	E
7	B	Theft of Livestock (9A.56.080)	C
8	C	Forgery (9A.60.020)	D
9	A	Robbery 1 (9A.56.200)	B+
10	B+	Robbery 2 (9A.56.210)	C+
11	B+	Extortion 1 (9A.56.120)	C+
12	C+	Extortion 2 (9A.56.130)	D+
13	C	Identity Theft 1 (9.35.020(2)(a))	D
14	D	Identity Theft 2 (9.35.020(2)(b))	E
15	D	Improperly Obtaining Financial	
16		Information (((9.35.010)))	
17		<u>(9.35.010)</u>	E
18	B	Possession of Stolen Property 1	
19		(9A.56.150)	C
20	C	Possession of Stolen Property 2	
21		(9A.56.160)	D
22	D	Possession of Stolen Property 3	
23		(9A.56.170)	E
24	<u>B</u>	<u>Taking Motor Vehicle Without</u>	
25		<u>Permission 1 (9A.56.070(1))</u>	<u>C+</u>
26	((C))		
27	<u>C+</u>	Taking Motor Vehicle Without	
28		((Owner's)) Permission <u>2</u>	
29		(9A.56.070(2))	((D)) <u>C</u>
30		Motor Vehicle Related Crimes	
31	E	Driving Without a License	
32		(46.20.005)	E
33	B+	Hit and Run - Death	
34		(46.52.020(4)(a))	C+
35	C	Hit and Run - Injury	
36		(46.52.020(4)(b))	D
37	D	Hit and Run-Attended	
38		(46.52.020(5))	E

1	E	Hit and Run-Unattended	
2		(46.52.010)	E
3	C	Vehicular Assault (46.61.522)	D
4	C	Attempting to Elude Pursuing	
5		Police Vehicle (46.61.024)	D
6	E	Reckless Driving (46.61.500)	E
7	D	Driving While Under the Influence	
8		(46.61.502 and 46.61.504)	E
9		Other	
10	B	Bomb Threat (9.61.160)	C
11	C	Escape 1 (9A.76.110)	C
12	C	Escape 2 (9A.76.120)	C
13	D	Escape 3 (9A.76.130)	E
14	E	Obscene, Harassing, Etc.,	
15		Phone Calls (9.61.230)	E
16	A	Other Offense Equivalent to an	
17		Adult Class A Felony	B+
18	B	Other Offense Equivalent to an	
19		Adult Class B Felony	C
20	C	Other Offense Equivalent to an	
21		Adult Class C Felony	D
22	D	Other Offense Equivalent to an	
23		Adult Gross Misdemeanor	E
24	E	Other Offense Equivalent to an	
25		Adult Misdemeanor	E
26	V	Violation of Order of Restitution,	
27		Community Supervision, or	
28		Confinement (13.40.200)	V

29 Escape 1 and 2 and Attempted Escape 1 and 2 are classed as C offenses
30 and the standard range is established as follows:

31 1st escape or attempted escape during 12-month period - 4 weeks
32 confinement

33 2nd escape or attempted escape during 12-month period - 8 weeks
34 confinement

35 3rd and subsequent escape or attempted escape during 12-month
36 period - 12 weeks confinement

1 If the court finds that a respondent has violated terms of an order,
 2 it may impose a penalty of up to 30 days of confinement.

3 **JUVENILE SENTENCING STANDARDS**

4 This schedule must be used for juvenile offenders. The court may
 5 select sentencing option A, B, or C.

6 **OPTION A**
 7 **JUVENILE OFFENDER SENTENCING GRID**
 8 **STANDARD RANGE**

9		_____			
10	A+	180 WEEKS TO AGE 21 YEARS			
11		_____			
12	A	103 WEEKS TO 129 WEEKS			
13		_____			
14	A-	15-36	52-65	80-100	103-129
15		WEEKS	WEEKS	WEEKS	WEEKS
16		EXCEPT			
17		30-40			
18		WEEKS FOR			
19		15-17			
20		YEAR OLDS			
21		_____			
22	Current	B+	15-36	52-65	80-100 103-129
23	Offense		WEEKS	WEEKS	WEEKS WEEKS
24	Category		_____		
25		B	LOCAL		52-65
26			SANCTIONS (LS)	15-36 WEEKS	WEEKS
27			_____		_____
28		C+	LS		
29				15-36 WEEKS	
30			_____		
31		C	LS		15-36 WEEKS
32			Local Sanctions:		
33			0 to 30 Days _____		
34		D+	LS	0 to 12 Months Community Supervision	
35				0 to 150 Hours Community Service	
36		D	LS	\$0 to \$500 Fine	
37		E	LS		
38			_____		
39			0	1	2 3 4 or more
40			PRIOR ADJUDICATIONS		

1 NOTE: References in the grid to days or weeks mean periods of
2 confinement.

3 (1) The vertical axis of the grid is the current offense category.
4 The current offense category is determined by the offense of
5 adjudication.

6 (2) The horizontal axis of the grid is the number of prior
7 adjudications included in the juvenile's criminal history. Each prior
8 felony adjudication shall count as one point. Each prior violation,
9 misdemeanor, and gross misdemeanor adjudication shall count as 1/4
10 point. Fractional points shall be rounded down.

11 (3) The standard range disposition for each offense is determined
12 by the intersection of the column defined by the prior adjudications
13 and the row defined by the current offense category.

14 (4) RCW 13.40.180 applies if the offender is being sentenced for
15 more than one offense.

16 (5) A current offense that is a violation is equivalent to an
17 offense category of E. However, a disposition for a violation shall
18 not include confinement.

19 OR

20 OPTION B

21 CHEMICAL DEPENDENCY DISPOSITION ALTERNATIVE

22 If the juvenile offender is subject to a standard range disposition
23 of local sanctions or 15 to 36 weeks of confinement and has not
24 committed an A- or B+ offense, the court may impose a disposition under
25 RCW 13.40.160(4) and 13.40.165.

26 OR

27 OPTION C

28 MANIFEST INJUSTICE

29 If the court determines that a disposition under option A or B would
30 effectuate a manifest injustice, the court shall impose a disposition
31 outside the standard range under RCW 13.40.160(2).

32 NEW SECTION. **Sec. 5.** A new section is added to chapter 46.20 RCW
33 to read as follows:

1 (1) In addition to any other authority to revoke driving privileges
2 under this chapter, the department shall revoke the driving privileges
3 of a defendant in accordance with this section.

4 (2) The department shall revoke the driving privileges of a
5 juvenile or adult for one year when the department receives notice that
6 the person has been convicted of taking a motor vehicle without
7 permission in the first degree under RCW 9A.56.070(1) or taking a motor
8 vehicle without permission in the second degree under RCW 9A.56.070(2).

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